

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

319B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 02-1209
Subject Property: 13711 Calle De Los Pinos, Lake Elsinore,
APN: 386-040-032
District One

SUBMITTAL DATE:
December 10, 2007

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 02-1209 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV 02-1209; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 02-1209.

(Continued)

[Handwritten Signature]

TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANK, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *[Handwritten Signature]*
Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 12/04/07; 9.2 | District: 1 | Agenda Number:

2.55

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]

Case No.: CV 02-1209

Subject Property: 13711 Calle De Los Pinos, Lake Elsinore

APN: 386-040-032

District One ~

BACKGROUND:

On December 4, 2007 this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the excess outside storage and accumulation of rubbish on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

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WHEN RECORDED PLEASE MAIL TO:
Tiffany N. North, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 02-1209
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 386-040-)	FINDINGS OF FACT,
032, 13711 CALLE DE LOS PINOS, LAKE)	CONCLUSIONS AND ORDER TO
ELSINORE, RIVERSIDE COUNTY,)	ABATE NUISANCE
CALIFORNIA; ADELFO MELLONI AND)	
SUSANA MELLONI, OWNERS;)	[R.C.O. Nos. 348 (RCC Chapter
)	17.144), 541 (RCC Chapter 8.120) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 4, 2007, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described 13711 Calle De Los Pinos, Lake Elsinore, Riverside County, California and further described as Assessor's Parcel Number 386-040-032 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

Adelfo Melloni and Maria Melloni appeared and spoke with Jim Monroe and Tiffany N. North before the hearing but did not address the Board of Supervisors during the public hearing.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code

Chapter 17.144) and 541 (Riverside County Code Chapter 8.120) and as a public nuisance.

SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owners of THE PROPERTY as Adelfo Melloni and Susana Melloni ("OWNERS").

2. Documents of title indicate that another party potentially holds a legal interest in THE PROPERTY, to-wit: Gene Gi Woff ("INTERESTED PARTY").

3. THE PROPERTY was inspected by Code Enforcement Officers on August 17, 2004, August 27, 2004, September 23, 2004, October 8, 2004, January 26, 2005, May 18, 2005, October 12, 2005, January 12, 2006, January 8, 2007 January 18, 2007, May 15, 2007, October 31, 2007 and December 3, 2007.

4. During each inspection, outside storage of materials and accumulation of rubbish were observed on THE PROPERTY. The materials included but were not limited to: construction materials, auto parts, scrap wood, scrap metal, appliances, tools, machinery, tires, metal racks, furniture, crates, bricks, blocks, green waste and other miscellaneous items. The total area of excess outside storage of materials and accumulated rubbish consisted of approximately thirteen thousand five hundred three (13,503) square feet.

5. THE PROPERTY was determined to be in violation of Riverside County Ordinance Nos. 348 (RCC Chapter 17.144) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

6. A Notice of Noncompliance for excess outside storage was recorded on September 20, 2004 as Document Number 2004-0745610 in the Office of the County Recorder, County of Riverside. A Notice of Noncompliance for accumulated rubbish was recorded on August 16, 2007 as Document Number 2007-0528070 in the Office of the County Recorder, County of Riverside.

7. On August 27, 2004, a Notice of Violation for violation of Riverside County Ordinance No. 348 was posted on THE PROPERTY. On January 18, 2007, Notices of violation of Riverside County Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On May 10, 2007, Notices of Violation were mailed to OWNERS and INTERESTED PARTY by certified mail, return receipt requested.

8. On October 29, 2007, a "Notice To Correct County Ordinance Violations and Abate

1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on
2 December 4, 2007 was mailed by certified mail, return receipt requested, to OWNERS and
3 INTERESTED PARTY and was posted on THE PROPERTY on October 31, 2007.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on December 4, 2007 finds and concludes that:

7 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
8 on the real property located at 13711 Calle De Los Pinos, Lake Elsinore, Riverside County,
9 California, also identified as Assessor’s Parcel Number 386-040-032 violates Riverside County
10 Ordinance Nos. 348 (RCC Chapter 17.144) and 541 (RCC Chapter 8.120) and constitutes a public
11 nuisance. Under Riverside County Ordinance Nos. 348 and 541, no amount of rubbish or outside
12 storage is allowed to be accumulated or stored on THE PROPERTY.

13 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
14 of the premises should abate the condition by removing of the outside storage of materials and
15 removing and disposing of the accumulation of rubbish from the subject real property in strict
16 accordance with all Riverside County Ordinances, including but not limited to Riverside County
17 Ordinance Nos. 348 (RCC Chapter 17.144) and 541 (RCC Chapter 8.120) within ninety (90) days.

18 3. WHEREAS, THE OWNERS AND INTERESTED PARTY ARE HEREBY
19 FURTHER NOTICED that the time within which judicial review of the administrative
20 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
21 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
22 Civil Procedure Section 1094.6.

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the excess outside storage of materials and
25 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Adelfo
26 Melloni and Susana Melloni or anyone having possession or control of THE PROPERTY, by
27 removing of the outside storage of materials and removing and disposing of the accumulation of
28 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,

1 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.144) and 541
2 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

3 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
4 accordance with all Riverside County Ordinances, including but not limited to Riverside County
5 Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Chapter 8.120) within ninety (90) days of the
6 date of this Order to Abate Nuisance, the outside storage of materials and accumulation of rubbish
7 shall be abated and disposed of by representatives of the Riverside County Code Enforcement
8 Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court
9 Order when necessary under applicable law.

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
11 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
13 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
14 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
15 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
16 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
17 attorneys fees,

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1 and the costs associated with the removal or correction of the violation.” Reasonable abatement
2 costs accrued by the Code Enforcement Department will be recoverable from the property owner(s)
3 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
4 Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
John Tavaglione
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)

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